



Far left: A NOAA enforcement officer helps shrimp fishermen check a Turtle Excluder Device (TED) installed in their trawl net. Credit: NOAA Central Library Photo Collection Left: Fisheries officers check the catch to ensure compliance with stringent resource-management laws. Credit: NOAA Central Library Photo Collection

GOING UNDERCOVER:

FISHERIES ENFORCEMENT OFFICERS MAKE THEIR CASE

BY DAVID A. BROWN

There was a time when marine resource violations fell into just a few categories. “Too big,” “too small,” “too many,” or “wrong month” described most of what faced NOAA Fisheries’ Office for Law Enforcement (OLE).

That was yesteryear. Today, OLE Director Dale Jones said that the ever-increasing challenges of 21st-century compliance issues have necessitated the agency’s evolution: “We’ve moved from primarily inspection operations and a dockside presence for regulatory compliance to a much wider scope of operations. Today we are primarily an investigative unit.”

Day to day, enforcement officers inspect plenty of fish boxes and conduct vessel boardings, while special agents are more often the ones following leads and poring through records. But with OLE handling some 3,200 cases a year, those in the field could find themselves spending a couple of hours on a regulatory incident or working a case that could become a multiyear investigation with multinational and multimillion-dollar implications.

Sometimes, it’s just a straightforward violation of a closed fishery. Elsewhere, OLE officers and agents have to contend with the creatively misleading transportation schemes, concealed compartments, and fraudulent documentation common to persons intent on circumventing U.S. import regulations.

For example, lobsters fetch high prices in U.S. markets – particularly around the holidays – so the lure of easy money constantly tempts unscrupulous types into smuggling the popular crustaceans from foreign locales such as Central America, Canada, and South Africa.

Mislabeled seafood products and those caught illegally by foreign fishermen represent recurring problems. One in particular, the Patagonian toothfish, is not necessarily an import violation. Unless, of course, it’s harvested by poachers and/or transported to the United States without proper documentation.

The toothfish is a slow-growing species that’s highly susceptible to exploitation by illegal, unregulated, and unreported fishing. During the 1990s, U.S. restaurants and markets began selling

toothfish under the name “Chilean sea bass.” Rising popularity spurred increased fishing effort, and not all of it has been legal.

The species is managed through the international Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) – the organization responsible for conserving marine life in the Southern ocean. As a CCAMLR member, the United States has helped implement an international system of tracking legally caught toothfish through a catch document that must be certified by the vessel’s flag nation.

“We’ve had to put a lot of work into this, but we’ve also been able to disrupt some significant operations – some involving Patagonian toothfish and also South African rock lobsters,” Jones said.

As OLE Deputy Director Mark Spurrier points out, illegally imported seafood does more than affect consumer confidence by compromising quality and health-related aspects; it competes with domestic commercial fishing operations, drives down prices, and harms local job markets. Moreover, the threat to



sustainable fisheries, habitat destruction, and endangerment of protected marine mammals always looms large with unlawful activities afoot.

And of the OLE job hazards, Jones said: “In the routine daily operations, there’s always the potential for dangerous situations. There can be sea-related dangers and contact with people who can be problematic. The threat and the possibility is always there, but fortunately the frequency has not been that high.”

Spurrier is quick to note that the majority of recreational and commercial fishermen OLE officers and agents encounter plays by the rules. For those who do not, strict penalties await. Catches are usually seized at the start of an investigation, but violators can also face civil and criminal fines, vessel seizure, and federal prison.

When details warrant, NOAA Fisheries agents and officers can refer the case to NOAA’s Office of General Counsel for Enforcement and Litigation (GCEL), which may assess civil penalties or refer the case to the U.S. Attorney’s office for criminal proceedings. Repeat offenders and those who inflict severe resource damage may face huge fines and/or imprisonment.

Headquartered in Silver Spring, Md., OLE maintains six divisional offices and 54 field offices throughout the United States and its territories. Working with local, state, tribal, federal, and international law enforcement partners, OLE has the authority to enforce over 37 statutes and numerous international treaties involving marine

resources throughout 3.36 million square miles of water.

Most NOAA Fisheries Enforcement activities are conducted under one of the following laws: the Magnuson-Stevens Fishery Conservation and Management Act, the Endangered Species Act of 1973, the Marine Mammal Protection Act of 1972, the Lacey Act Amendments of 1981, and the National Marine Sanctuaries Act. The OLE also enforces the Convention on International Trade in Endangered Species of Wild Fauna and Flora relevant to marine wildlife, and supports NOAA’s National Ocean Service with enforcement services at National Marine Sanctuaries.

OLE maintains 19 patrol boats ranging in size from a 17-foot Zodiac to a 39-foot Chris Craft. Expanding its reach, OLE works with the U.S. Coast Guard, Bureau of Customs and Border Protection, Civil Air Patrol, and federally-deputized state marine enforcement agents on sea, land, and airborne patrols.

Technology is also a prudent partner. For example, the satellite-based Vessel Monitoring System (VMS) developed in 1988 allows the OLE to monitor and survey vessels over broad areas of open ocean without disclosing fishing locations. Monitoring compliance, tracking violators, and collecting evidence for prosecution can all be done from great distances.

“The reality is that we have fewer than 200 sworn personnel for over 3 million square miles of water,” said Spurrier. “So without the ability to leverage technology,

our enforcement abilities would be minimized.

“VMS allows us to target our efforts and those of the Coast Guard toward violations in closed areas. It allows us to more effectively and efficiently use the resources available to us for the enforcement of fishery laws.”

Through VMS capabilities, OLE can identify a vessel entering a closed area and email an advisory to the crew. “If we can inform them and prevent a violation, then that’s much better than having to investigate it after it has happened,” Spurrier said.

Encouraging constituent cooperation also helps, as evidenced in the Community Oriented Policing and Problem Solving



Opposite page: NOAA enforcement officers consult with the Coast Guard to coordinate at-sea operations. Credit: NOAA Central Library Photo Collection Left: A NOAA Fisheries officer prepares to board a Gulf of Mexico shrimp trawler to enforce sea turtle conservation measures. Credit: NOAA Central Library Photo Collection Below: Fisheries enforcement officers play a key role in ensuring that America’s seafood is legally caught and accurately labeled. Credit: NOAA Central Library Photo Collection, William B. Folsom, photographer

(COPPS) program, through which OLE employs public awareness and educational efforts to promote voluntary compliance.

Jones said OLE officers and agents face ongoing challenges related to the expansive and complex nature of enforcing regulations and treaties across geographically diverse regions, each with its own needs and issues. Throughout the process, budget maximization remains a constant concern.

“We’re being pushed and pulled in a lot of directions with a limited amount of resources,” he said. “So we’re always looking for force multipliers and ways to improve our relationships with our partners.

“There’s a dynamic nature to this work – it’s always changing. It seems like every month there’s a new priority, and we’re continuing to manage things in that direction.”

The job never gets easier, but suffice it to say that no one puts in the time, training, and sacrifice required to earn the NOAA Fisheries OLE badge because they want “easy.” Rather, Jones said, the motivation comes from the fervent desire to ensure that something workable continues to work.

“It’s the satisfaction of knowing that this job is important to the conservation of marine species,” he said. “Our role in enforcement is to ensure compliance, so when all the science is done and all of the management decisions are made, the resources remain healthy and sustainable. We hope that our efforts would help support that.”

Spurrier adds, “It’s important to know that for our children and their children, these species will still be around.”

NOAA Fisheries: Office for Law Enforcement — www.nmfs.noaa.gov/ole/